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SUBJECT: GENOCIDE ADJUDICATIONS RISING RAPIDLY; MORE

REFORMS UNDER CONSIDERATION

REF: KIGALI 110

#### Summary

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11. (SBU) Gacaca courts trying genocide suspects have greatly increased their rate of adjudication, following adoption of the new genocide statute on March 1. As of mid-May, gacaca courts have processed nearly 400,000 cases, approximately half the existing caseload. Judicial authorities are reportedly considering further reforms to both speed adjudication and reduce custodial sentences. End summary.

#### Adjudications Rising Rapidly

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12. (SBU) Gacaca Courts Executive Secretary Domitilla Mukantaganzwa told us May 22 that of the 818,000 existing genocide suspects, nearly half have had their cases adjudicated by mid-May. Of 432,000 category two cases (those involving murder or other serious abuses), 186,000 had been adjudicated, leaving 246,000 cases. Of 308,000 category three property cases, about 70 percent, or 210,000, had been processed (property cases do not result in jail sentences, and are usually settled out of court). She anticipated that, of the 77,000 category one cases involving leaders/organizers of the genocide or those who committed sexual crimes, currently scheduled to be heard by regular courts, 50,000 to 60,000 would be transferred to category two status under the new statute. In sum, including category one cases to be transferred to category two, there are approximately 300,000 category two cases to be adjudicated, and 100,000 category three cases.

13. (SBU) Mukantaganzwa noted that the pace of adjudication has quickened considerably since the advent of the new law. The number of gacaca courts had nearly doubled from 1545 to about 3000 (the new law reduced the number of judges sitting on each case, with the "extra" judges seated in new courts). Additionally, several districts in the northern and eastern provinces of the country had relatively few genocide suspects, as the RPF/RPA either controlled or quickly captured those districts during the 1994 genocide. These districts had essentially finished their caseloads, and gacaca administrators would be transferred to other parts of the country to assist with their remaining cases. This process would also accelerate, as more and more districts completed their caseloads (Note: the lowest number of cases, 1051, were found in Burera District in the north; Nyanza District in the south had 61,478).

#### Further Reforms Possible

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¶4. (SBU) Prosecutor General Martin Ngoga earlier told us that some thought was being given to transferring all category one cases from the regular courts to gacaca courts. This would, he noted, relieve the regular courts of the enormous strain of trying thousands of genocide cases. A Belgian diplomatic colleague told us recently that the GOR was considering suspended sentences and TIG (community service) for all category two cases. Such a move, he agreed, would greatly reduce the numbers of persons, convicted in gacaca courts, heading to already severely crowded prisons. Mukantaganzwa declined to confirm the details of senior-level discussions on further gacaca court reforms. "I cannot speak to that," she said, "we in the gacaca courts are implementors. Others above us are the policy-makers."

#### Prison Population at All-Time High

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¶5. (SBU) An International Committee of the Red Cross (ICRC) official told us that the total for the 16 central prisons had risen to 92,000 prisoners as of the end of April. This was, he said, the highest total ever recorded at these prisons. (Approximately 125,000 prisoners were confined in the 1990s, when the GOR used local lockups (cachots) and police stations for genocide suspects as well as the 18 prisons then in use). The prison population was now growing at a rate of 4,000 prisoners a month, nearly all from gacaca trials. With gacaca courts now doubled, he said, he would not be surprised if the monthly increase reached 8,000 a month.

#### Comment

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¶6. (SBU) The pace of gacaca adjudications has quickened, and the GOR policy goal of a gacaca process completed by 2008 appears within reach. The government now appears to be discussing internally an enormously difficult question: where to house all the convicted genocidaires when their cases are completed? Greatly expanded suspended sentences and community service options would relieve the terribly crowded prisons. While survivor organizations would likely be opposed to such a compromise, such reforms would be received by Hutu families with relief. In the end, practical realities may govern GOR decision-making. End comment.  
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